

**MARVIN W. WALLOPS,**

**Plaintiff,**

**v.**

**BUTCH JACKSON, Adm'r,**  
**Nash Correctional Institution.**

**Defendant.**

**THIS MATTER** is before the Court on its own motion. Petitioner filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. (Doc. No. 1). The matter was initially filed in the Middle District and transferred to this district on the ground that Petitioner was convicted and sentenced in Iredell County state court. Based on a review of the documents transferred by the Clerk of Court, there appears to be no indication that the necessary filing fee has been paid by the Petitioner or that a motion to proceed without prepayment of fees or costs has been executed and filed with the Clerk.

Pursuant to 28 U.S.C. § 1914(a), a petitioner must remit a \$5 filing fee to the Clerk of Court along with the application for writ of habeas corpus. If Petitioner does not have the \$5 filing fee then he may fill out an application to proceed without prepayment of fees and return the application to the Clerk of Court for the Western District.

**IT IS, THEREFORE, ORDERED** that:

1. Petitioner shall remit the \$5 filing fee to the Clerk of Court within 30 days from entry of this Order.


2. If Petitioner does not have the funds to pay the \$5 filing fee then Petitioner shall return a fully executed application to proceed without prepayment fees, executed under penalty of perjury, to the Clerk of Court within 30 days from entry of this Order.

Petitioner is warned that failure to remit the \$5 filing fee or to return a properly executed application to proceed without prepayment or fees within 30 days from entry of this Order will result in the dismissal of his Section 2254 petition.

The Clerk of Court is directed to send a copy of an application to proceed without prepayment of fees or costs to the Petitioner along with the a copy of this Order.

**IT IS SO ORDERED.**

Signed: September 30, 2012

  
Robert J. Conrad, Jr.  
Chief United States District Judge

